

# **FORMAL MEETING AGENDA BOARD OF SUPERVISORS**

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts, and/or Board of Deposit)

**WEDNESDAY, SEPTEMBER 5, 2007  
9:00 AM**

## **INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

*One or more members may attend telephonically.  
Members attending telephonically will be announced at the meeting.*

**The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).**

## **BOARD OF SUPERVISORS**

1. Introduction of the "Pet of the Month" from Maricopa County Animal Care & Control.

## **PRESENTATION/ACTION**

2. Approve a resolution designating September 8, 2007, as World Rabies Awareness Day in Maricopa County and declare amnesty on dog license penalty fees for altered dogs for the week of September 8-14, 2007, at all three County animal shelter locations. (C7908029700) (ADM681)
3. Recognition of the 2007 NACo Winner for View Historical Aerial Photography Web Application – Flood Control

## **STATUTORY HEARINGS**

**Clerk of the Board**

### **4. LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Alan John Bakas for a Special Event Liquor License: (SELL790) (F23221)

Business Name: VFW Post #12031  
Location: 41703 Gavilan Peak Pkwy, Anthem 85086  
Date/Time: November 10, 2007, 10:00 a.m. – 6:00 a.m.  
**(This item was continued from the August 22, 2007 meeting)**  
**(A Temporary Use Permit is in process)**

- b. Application filed by Fred Peter Martori for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Todd Marshal Cunningham: (AZ#06070293) (MCLL6238)

Business Name: Cadillac Ranch  
Location: 11701 W. Glendale Avenue, Glendale 85307  
Former Location: 2511 W. Indian School, Phoenix 85017  
**(A Certificate of Occupancy is required prior to operation of business)**  
**(The Health Department requires the submission of plans for review)**  
**(This item will be continued)**

- c. Application filed by Jose Alvarez for a New Series 12 Liquor License: (AZ#12077242) (MCLL6240)

Business Name: Don Jose's Mexican Food  
Location: 9881 W. Bell Road, Sun City 85351  
**(A Certificate of Occupancy is required prior to operation of business)**

- d. Application filed by Gerry Shaps for a New Series 12 Liquor License: (AZ#12077235) (MCLL6239)

Business Name: The Long Island Fish Company  
Location: 39510 N. Daisy Mountain Drive #160, Anthem 85086  
**(A Certificate of Occupancy is required prior to operation of business)**

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Clerk of the Court**

**5.     PAY FOR PERFORMANCE FUNDS**

Authorize the Clerk of the Superior Court to apply FY 2007-08 Pay for Performance funds not utilized for employees who terminated subsequent to July 2, 2007, to the Pay for Performance program for employees scheduled to receive first year anniversary increases throughout the remainder of FY 2007-08. The total FY 2007-08 Pay for Performance increases delivered will not exceed the 3.5% authorized funding level for the department. (C1608002800)

#### **County Attorney**

**6.     VEHICLES EXEMPT FROM COUNTY MARKINGS**

Pursuant to A.R.S. §38-538.03 and A.R.S. §28.2511, approve the issuance of non-governmental license plates and exemption from markings for five 2007 Chevrolet Impalas, #52725, #52726, #52727, #52728 and #52729, for the purpose of conducting undercover felony investigations. The vehicles were procured through standard County vehicle replacement procedures and are replacing vehicles with undercover plates. Exemptions granted remain in effect for a period of one year. A detailed cross-referenced list of vehicle identification numbers is kept on file in the Clerk of the Board's office. (C1908017800) (ADM3101V)

**7.     IGA WITH MESA UNIFIED SCHOOL DISTRICT**

Approve an Intergovernmental Agreement (IGA) pursuant to A.R.S. §15-141(E) between Mesa Unified School District (District) and Maricopa County by and through the Maricopa County Attorney's Office (MCAO) to authorize and designate the MCAO as part of the law enforcement unit of the District for the sole purpose of facilitating the sharing of student attendance and truancy information for the enforcement of school attendance and truancy laws and rules applicable to District students. As part of the District's law enforcement unit, the MCAO may receive and share with the District, information about District students for the purpose of enforcing school attendance and truancy laws. The IGA is effective upon date of execution by both parties and shall continue in full force until June 30, 2008 with automatic renewals for subsequent one year terms until terminated in writing. The MCAO has initiated a truancy prevention, intervention, and prosecution program for children who fail to attend school as required by law and parents who fail to carry out their parental responsibility to send their children to school. This program is offered to elementary and middle schools in Maricopa County and the Mesa Unified School District wishes to participate and partner in this protocol via this IGA. (C1908020200)

**Sheriff**

**8. AMENDMENTS TO IGA FOR PARTICIPATION IN THE ARIZONA METH PROGRAM**

Approve the Amendments to the following intergovernmental agreements (IGAs) with the Maricopa County Sheriff's Office extending the end date for participation in the Arizona Meth Program through December 31, 2007:

- a. Amendment No. 2 to IGA with **Arizona Department of Public Safety (DPS)** Contract No. 2005-005. This agreement reimburses DPS for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$2,632.50. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005534202)
- b. Amendment No. 2 to IGA with **Phoenix Police Department** Contract No. 117236. This agreement reimburses the Phoenix Police Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$2925. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005545202)
- c. Amendment No. 2 to IGA with **Pima County Sheriff's Department**. This agreement reimburses the Pima County Sheriff's Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$3,510. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005546202)
- d. Amendment No. 2 to IGA with **Tucson Police Department**. This agreement reimburses the Tucson Police Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$1,755. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5005547202)
- e. Amendment No. 2 to IGA with **El Mirage Police Department**. This agreement reimburses the El Mirage Police Department for overtime costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$3,510. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5006500202)

**9. REIMBURSEMENT AGREEMENTS**

Approve Reimbursement Agreements between the Maricopa County Sheriff's Office and the **City of Phoenix** C50085262 (\$98,084) and **City of Mesa** C50085272 (\$95,944) Police Departments, and the **Arizona Department of Public Safety** C50085282 (\$87,173), whereby one police officer from each agency will be assigned to the Arizona Methamphetamine Program. The term of these Reimbursement Agreements is July 1, 2007 through August 31, 2008. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$32,900.52. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C50085252ZZ)

**10. LAW ENFORCEMENT SERVICES**

Approve the following three-year agreements for Law Enforcement Services, which include police communications services, to be provided by Sheriff's Office effective July 1, 2007 through June 30, 2010. The charges are based on actual cost and are revised annually. Termination of these agreements require 180 days written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated:

- a. **Town of Guadalupe** – The cost for the first year of this agreement is \$1,186,000. The level of service is 1.66 beats. A corresponding appropriation adjustment is presented as a separate action (C5008015800). (C5008005200)
- b. **Town of Cave Creek** – The cost for the first year of this agreement is \$352,595. The level of service is .41 beats. A corresponding appropriation adjustment is presented as a separate action (C5008015800). (C5008006200)

**11. LAW ENFORCEMENT SERVICES AND ADDITION OF VEHICLES TO FLEET**

Approve the three-year agreement for Law Enforcement Services, which includes police communications services, to be provided by Sheriff's Office to the **Town of Queen Creek** effective July 1, 2007 through June 30, 2010. Termination of this agreement requires 12-months written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The cost for the first year of this agreement is \$3,209,777, including one-time costs of \$106,751 for the purchase of two vehicles. The level of service is 4 beats.

Also, approve the addition to fleet of two Sport Utility Vehicles. One vehicle will be a fully equipped patrol vehicle while the other will be equipped as a detective vehicle. The total cost of both vehicles is not-to-exceed \$106,751. The **Town of Queen Creek** will reimburse the Sheriff's Office for actual costs to purchase and equip these vehicles. A corresponding appropriation adjustment is presented as a separate action (C50080150800). (ADM3104) (C5008010200)

**12. EXPENDITURE APPROPRIATION FOR LAW ENFORCEMENT SERVICE AGREEMENTS**

Pursuant to A.R.S. §42-17106, approve an increase to the Sheriff's Office General Fund (100) intergovernmental revenue appropriation of \$906,588 and Sheriff's Office General Fund (100) expenditure appropriation of \$115,451. These amounts represent the aggregate appropriation adjustments resulting from agenda items C50080050200 (**Town of Guadalupe**), C50080060200 (**Town of Cave Creek**), and C50080100200 (**Town of Queen Creek**), agreements for Law Enforcement Services. Intergovernmental Agreement revenues are not local revenues for the purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008015800)

**13. LAW ENFORCEMENT SERVICES AND APPROPRIATION ADJUSTMENT**

Approve the three-year agreement for Law Enforcement Services, which includes police communications services, to be provided by Sheriff's Office to the **Town of Carefree** effective July 1, 2007 through June 30, 2010. Termination of this agreement requires 24 months written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The charges are based on actual cost and are revised annually. The cost for the first year of this agreement is \$459,349. The level of service is .30 beats.

Also, per A.R.S. §42-17106, approve an appropriation adjustment of \$108,780 to Sheriff's Fund (100) revenue for the portion of revenue that was not originally budgeted in the FY 2007-08 budget submission. Intergovernmental Agreement revenues are not local revenues for the purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008007200)

**14. SOLE SOURCE FOR PURCHASE OF BULL NOVASCALE 9000/9165 SERVERS, GCOS 8 OPERATION SYSTEMS SOFTWARE**

Approve the sole source contract with BULL HN Information Systems for the purchase of BULL NovaScale 9000/9165 Servers, GCOS 8 Operation Systems Software and NovaScale 9000 supported peripherals. This vendor will also provide deployment, training and migration services from MCSO's current BULL environment.

Also, per A.R.S. 42-17106, transfer FY 2007-08 expenditure appropriation in the amount of \$169,095 from the Non-Departmental (470) Detention Fund (255) Reserved Contingency (4711) to the Sheriff's Office (500) Detention Fund (255) budget to fund the FY 2007-08 cost of the mainframe lease, net of maintenance savings, and the establishment of a Database Administrator for ongoing JMS migration duties. Subsequent years' lease payments and maintenance cost increases will be addressed via annual target adjustments to the Sheriff's Office (500) Detention Fund (255) budget. (C5008014800)

**15. ONE TIME TEMPORARY ADDITION OF VEHICLE TO FLEET**

Approve a one-time temporary addition to fleet of a 1999 ISUZU NPR Van to be transferred to the Sheriff's Office from the Governor's Office of Highway Safety (GOHS). This vehicle is valued at \$7,500 and will be used by the Sheriff's Office, Special Enforcement Division for DUI Enforcement. This is a temporary addition to fleet and should not be added to the County Vehicle Replacement schedule. The annual estimated operating cost is \$3,500. No vehicle replacement cost is associated with this vehicle since it is a temporary addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired. (C5008016M00) (ADM3104)

**16. TEMPORARY FLEET OF ENFORCEMENT VEHICLES FOR HOLIDAY MALL PATROL**

Authorize Equipment Services to retain 24 serviceable vehicles scheduled to be redlined out of the Sheriff's Office Fleet. These vehicles will be temporarily added to the Sheriff's Office Fleet to be used as the Holiday Mall Patrol from November 23, 2007 through December 31, 2007. Fuel costs are estimated to be \$3,500 and will come from Sheriff's Office budgeted funds. (C5008017M00) (ADM3104)

**17. REIMBURSEMENT AGREEMENT FOR REIMBURSEMENT OF PERSONNEL COSTS**

Approve a Reimbursement Agreement between the Maricopa County Sheriff's Office and the **Drug Enforcement Administration (DEA)** for reimbursement of \$67,000 in personnel costs. The term of this Reimbursement Agreement is July 1, 2007 through August 31, 2008. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$7,839.00. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5008524200)

**18. TASK FORCE AGREEMENT AND ACCEPT CONTINUED REIMBURSEMENT FUNDING**

Approve the Task Force Agreement and acceptance of up to \$31,709 in continued reimbursement funding from the **US Department of Justice Drug Enforcement Administration**. The term of this agreement is the date of signature through September 30, 2008, and is renewable yearly. Intergovernmental revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$3,709.95. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5008529200)

**Treasurer**

**19. TAX DEEDED LAND SALE**

Pursuant to A.R.S. §42-18303, accept the offers on parcels previously offered for bid at auction conducted on December 7, 2006, that were not sold. Upon approval, direct that deeds be prepared to convey the properties sold. With the approval of this action, the proceeds of the sale will total \$2740 and an estimated \$2740 of this amount will revert to the County General Fund. Parcel 219-26-127D offer: \$540 Tax Liability: \$2,412.22 Parcel 300-76-024B offer \$700 Tax Liability: \$3,267.37 Parcel 300-76-033A offer: \$1500 Tax Liability: \$3,167.37 Total amount: \$2740. (List of parcels on file in the Clerk of the Board's office.) (C4308005B00) (ADM656-007)

## JUDICIAL BRANCH

### Trial Court

#### 20. ONE TIME LUMP SUM PERFORMANCE INCREASES

Approve a request for payment of two one time lump sum performance increases as authorized by Judicial Policy P-305B "Judicial Human Resources Compensation Policy and Procedure", Section XI.E. Performance/Merit increases. The increases would be effective upon Board approval. The lump sum payments are for the following employees: Brian Karth, one time lump sum of \$4,721.60 and Carol Westwood, one time lump sum of \$3,161.60. The lump sums are in lieu of any other base salary adjustment that would otherwise be allowed under the FY 2007-08 Pay for Performance Plan. This one time lump sum payment is requested in light of the impending management market study, and will maintain internal equity within the court management structure in the interim. (C3808002800) (ADM3308)

## COUNTY MANAGER

### Office of the County Manager

#### 21. APPLY FOR GILA RIVER INDIAN COMMUNITY TRIBAL GAMING FUNDS

Pursuant to A.R.S. §5-601.02, authorize Maricopa County, via a Resolution, to apply for Gila River Indian Community 12% Gaming Funds (Proposition 202, 2002) in the amount not to exceed \$40,000 and approve the acceptance of grant funds. If funds are awarded, pursuant to A.R.S. §42-17105, also approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249), Pass-Through Grants (4712), increasing the FY 2007-08 revenue and expenditure budgets not-to-exceed \$40,000. Maricopa County will put this grant funding toward **Sun City Waste Clean-up Project**. Indirect cost is not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (Supervisory District 4) (C2008024300)

#### 22. VALLEY OF THE SUN UNITED WAY AS FISCAL AGENT

Approve the Campaign Services and Fiscal Agent Agreement by and between Valley of the Sun United Way (VSUW), a non-profit corporation and Maricopa County for the 2007-2008 Maricopa County Employees Combined Charitable Campaign ("CCC"). The term of this agreement shall be for one year from May 1, 2007 through April 30, 2008. The Contract may be extended, by mutual agreement, for four additional one-year terms. The term of this agreement commences retroactive to May 1, 2007, because the agreement was originally executed between VSUW and the Maricopa County Employees Combined Charitable Campaign Committee. However, it has since been determined that the Agreement with VSUW should be entered into by the Board so that the relationship with VSUW and the CCC complies with the provisions of A1512, "Prohibition Against Unauthorized Solicitations, and Unauthorized Posting or Distribution of Literature." Approval of this Agreement by the Board will authorize VSUW to act as CCC fiscal agent and provide CCC campaign services for Maricopa County. (C2008025000)



**Public Defender**

**23. MODIFICATION TO MARICOPA COUNTY STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM**

Approve a modification to Maricopa County Student Loan Repayment Assistance Program (LRAP) pursuant to A.R.S. §11-251 and Maricopa County Employee Compensation Plan §II to: make educational loans of a County-employed attorney who consolidated those loans with the educational loans of a non-employee spouse, eligible for reimbursement on a prorated basis, provided that the employee can provide documentation from which his or her prorated share of the consolidated loan can be accurately determined; clarify that an attorney who separates from employment is not eligible for benefits for the quarter of separation; clarify that an attorney who receives an evaluation rating below "meets expectations" is not eligible for benefits during the quarter in which the evaluation is completed, and is not eligible until the quarter in which the attorney receives an annual evaluation rating of at least "meets expectations"; and deleting language extending the first deadline for applications in 2006 because it is no longer needed. Agenda number C5206006800 was approved on June 21, 2006, providing the initial Board approval of this program. (C5208003600) (ADM3308-004)

**DEPUTY COUNTY MANAGER**

**Correctional Health**

**24. DATA LINK AGREEMENT**

Approve the Data Link Agreement between the Arizona Department of Health Services, Division of Behavioral Health Services (ADHS), Maricopa County acting through Correctional Health Services of Maricopa County (CHS), and the Maricopa County Sheriff's Office (MCSO) effective from date of County Board approval until June 30, 2012. This agreement is necessary until the transfer by ADHS of RBHA responsibilities from Value Options, Inc. to Magellan Health Services of Arizona, Inc. The purpose of this agreement is to govern the operation and parties' participation in the Jail Data Link Program (Data Link). Data Link uses software known as "Gateway" to enable the transfer of information between the MCSO and ADHS' or the Regional Behavioral Health Authority's (RBHA) data processing systems. RBHA is under contract with ADHS to coordinate the delivery of behavioral health services in Maricopa County. Approval of this agreement will enable ADHS and the RBHA to expedite identification of seriously mentally ill clients incarcerated in the Maricopa County Jail and coordinate care for those clients. This Agreement may be terminated for any reason, by any Party, by giving 90 day's advance written notification to the other parties of the termination date. There is no financial impact. (C2608003000)

**Public Health**

**25. ADMINISTRATIVE CORRECTION**

Approve an administrative correction to C8603160205, Intergovernmental Agreement No. HG454008, with the Arizona Department of Health Services (ADHS) and Maricopa County Department of Public Health to provide Tuberculosis Control Services approved by the Board on August 8, 2007. This administrative correction changes the grant fund amount from \$622,694 to the correct amount of \$622,594. All other terms and conditions of this Intergovernmental Agreement shall remain unchanged. (C8603160206)

**26. AMENDMENTS TO IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

- a. Approve Amendment No. 1 to Intergovernmental Agreement (IGA) C86074012 with the **Avondale Elementary School District** to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Avondale School District in the amount of \$12,000 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. This agreement was originally approved under C86074532LI on July 26, 2006. (C8607401201)
- b. Approve Amendment No. 1 to Intergovernmental Agreement (IGA) C86074192 with the **Gilbert Unified School District** to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Gilbert Unified School District in the amount of \$49,000 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. This agreement was originally approved under C86074532LI on July 26, 2006. (C8607419201)
- c. Approve Amendment No. 2 to Intergovernmental Agreement (IGA) C86074202 with the **Liberty School District** to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Liberty School District in the amount of \$7,500 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607420202)

- d. Approve Amendment No. 1 to Intergovernmental Agreement (IGA) C86074262 with the **Queen Creek School District** to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Queen Creek School District in the amount of \$7,500 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. This agreement was originally approved under C86074532LI on July 26, 2006. (C8607426201)

**27. GRANT AWARD FOR THE HOMELESS CLINIC**

Approve an unsolicited anonymous grant awarded to Maricopa County Department of Public Health's Healthcare for the Homeless Clinic (HCH). This anonymous grant provides HCH with funds in the amount of \$5,000, with a grant term of August 1, 2007 through January 15, 2008. These funds are to be used to benefit homeless residents of Maricopa County during the 2007 holiday season.

The Department of Public Health's indirect rate for FY 2007-08 is 18%. Per the terms of the grant contract "funds should not be used to support the operating budget for the organization"; therefore, indirect expenses estimated at \$900 are unrecoverable.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$5,000. The appropriations adjustment is necessary because these funds are additional and were not included in the FY 2007-08 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608022100)

**28. MOU WITH WASHINGTON ELEMENTARY SCHOOL DISTRICT FOR DENTAL SEALANT SERVICES**

Approve the Memorandum of Understanding (MOU) between the Washington Elementary School District and Maricopa County Department of Public Health, Office of Oral Health Dental Sealant Program for free dental sealant services for the students. The MOU is non-financial and the term will be from August 10, 2007 through June 30, 2008. (C8608023M00)

**29. AMENDMENT TO LEASE WITH THE CAZARES FAMILY CORPORATION**

Approve Amendment No. 2 to the limited service Lease No. L7249 (C86980094) with The Cazares Family Corporation, Lessor, for a 4,371 square foot Department of Public Health Women, Infants and Children (WIC) office facility located at 438 East Southern Avenue, Phoenix, AZ. The amendment extends the term of the lease from October 1, 2007, through September 30, 2010. Lessee agrees to pay a fixed base rent of \$14.50 a square foot at \$5,281.63 a month or annually \$63,379.50 plus rental tax. This agreement contains a 90-day written termination clause and Lessee may hold-over on a "month to month" basis up to six months. (C8698009402)

**30. AMENDMENT TO LEASE WITH THE SAIA FAMILY LIMITED PARTNERSHIP, LTD.**

Approve Amendment No. 5 to Lease No. L7192 (C86990274) with the Saia Family Limited Partnership, Ltd., Lessor, for 1,760 square feet of office space located at 8119 and 8121 E. Roosevelt Street, Scottsdale, AZ for the Department of Public Health's Women, Infants and Children (WIC) program. This amendment will extend the term of the existing lease three years from September 1, 2007 to August 31, 2010. The annual rental rate is at \$17.25 per square foot or a monthly rate of \$2,530 plus rental tax. The lease contains a 90-day termination provision and a six-month holdover provision. All other terms and conditions of the original agreement and as modified by subsequent lease Amendments No. 1, 2, 3, and 4 remain the same and in full force and effect. (C8699027405)

## **ASSISTANT COUNTY MANAGER - COMMUNITY SERVICES**

### **Human Services**

**31. RESCIND ACTION**

Rescind the action taken on July 25, 2007, under C2207130200 for a non-financial intergovernmental agreement with Tempe Union High School District and approve an Intergovernmental Agreement between the Tempe Union High School District and Maricopa County by and through the Human Services Department for the provision of Early Head Start services. Maricopa County agrees to pay \$1.00 per annum for the Early Head Start space. The District will provide two classrooms and a playground at Tempe Compadre High School, located at 500 W. Guadalupe Road, Tempe, AZ 85283. This lease is effective February 1, 2007, through June 30, 2012. (C2207130201) (C2207130202)

**32. FOOD CATERING FOR PARTICIPANTS IN MARICOPA COUNTY HEAD START ZERO-FIVE PROGRAM**

Approve the following intergovernmental agreements for the provision of food catering to participants in Maricopa County Head Start Zero-Five Program. The Arizona Department of Education Child/Adult Care Food Program, and the U.S. Department of Health and Human Services provide funding for these IGAs. The term of these IGAs is October 1, 2007, through September 30, 2008. These agreements do not include any County General Funds:

- a. **Chandler Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$129,539. The IGA requires Chandler Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208112200)
- b. **Kyrene Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$5,788. The IGA requires Kyrene Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208113200)
- c. **Scottsdale Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$33,311. The IGA requires Scottsdale Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208114200)

- d. **Tempe Elementary School District #3** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$151,044. The IGA requires Tempe Elementary School District #3 to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208115200)
- e. **Mesa Unified School District** – The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$239,364. The IGA requires Mesa Unified School District to provide a minimum 1/3 to 2/3 of the daily-recommended dietary allowances per day. (C2208116200)

#### **Parks and Recreation**

**33. TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY FOR LAKE PLEASANT REGIONAL PARK**

Pursuant to A.R.S. §42-17106(B), approve the transfer of revenue and expenditure authority between Non-Departmental (470) Non Departmental Grant Fund (249) and the Park's and Recreation Department (300) Lake Pleasant Recreation Services Fund (240). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non Departmental Grant Fund (249) by \$35,000 and increasing the FY 2007-08 Park's and Recreation Department (300) Lake Pleasant Recreation Services Fund (240) by \$35,000. This increase is resulting from the recent approval by the Board of Supervisors on June 20, 2007, to increase the Park and Recreation camping fees. These adjustments will result in a countywide net impact of zero. (C3008008800) (ADM3200-003)

### **ASSISTANT COUNTY MANAGER – CRIMINAL JUSTICE**

#### **Justice System Planning**

**34. MEMORANDUM OF UNDERSTANDING WITH NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

Approve a Memorandum of Understanding (MOU) between Maricopa County Integrated Criminal Justice Information System (ICJIS) and the National Law Enforcement Telecommunications System (NLETS). ICJIS has developed the Justice Web Interface (JWI) Application which consists of a browser application used for data entry, server application, reporting module and database schema, the corresponding source code and support documentation, which ICJIS has offered to furnish to NLETS. ICJIS shall transfer ownership of the Software to NLETS at no charge. NLETS shall release ICJIS and its agents and employees from all claims and demands associated with the Software. ICJIS shall provide NLETS with the Software within 15 days upon completion of this Agreement. (C4208003M00)

## CHIEF FINANCIAL OFFICER

### Animal Care & Control Services

#### 35. IGA WITH TOWN OF GILA BEND FOR ANIMAL CONTROL FIELD SERVICES

Approve the following intergovernmental agreements with Maricopa County through Maricopa County Animal Care & Control for Animal Control Field Services. These IGAs are effective from July 1, 2007, through June 30, 2010. Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2008-09 and FY 2009-10, based on service levels.

- a. **Town of Gila Bend** – The Town of Gila Bend agrees to pay full cost recovery for field services for FY 2007-08 estimated to be \$6,302 based on historical levels of service for this jurisdiction. (C7908027200)
- b. **Town of Carefree** – The Town of Carefree agrees to pay full cost recovery for field services for FY 2007-08 estimated to be \$2,281 based on historical levels of service for this jurisdiction. (C7908028200)

#### 36. DONATIONS

Accept the following donations:

- a. Restricted monetary donation from **Friends of Animal Care & Control (FACC's)** of Phoenix, AZ in the amount of \$85,500 to fund two full time positions within Maricopa County Animal Care & Control (MCACC) for one year from date of hire. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. This action will require an increase in revenue and expenditure appropriation authority for the FY 2007-08 Animal Care and Control (790) Animal Care and Control Grants Fund (573) in the amount of \$85,500. (C7908024800) (ADM2300-006)
- b. Monetary donation from visitors, guests, and participants of the **Maricopa County Home & Garden Show** held August 3rd through August 5th 2007, in the amount of \$5,034.60 for the care of the animals.

Also, accept non-cash donations brought to the event by visitors, guests, and participants estimated to be 6,500 lbs of pet food, toys, and cat litter. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908025700) (ADM2300-006)

- c. Non-cash donation of 1,000 doses of rabies vaccine from **Arrow Animal Hospital** of Glendale, AZ for the benefit of needy dogs in Maricopa County. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908026700) (ADM2300-006)

**Finance**

**37. FUND TRANSFERS; WARRANTS**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**38. AMENDMENT TO LICENSE AGREEMENT WITH BRCP GRACE COURT LLC**

Approve Amendment No. 1 to a License Agreement (Lease No. MC10167) with BRCP GRACE COURT LLC, as successor in interest to JDO LLC, for parking rights at the Forensic Science Garage at 701 W. Jefferson Street. This amendment changes the commencement date of the License to October 1, 2007, and corrects the entity name to reflect new ownership. Additionally, approve an administrative correction to C1807043C00 approved by the Board on June 20, 2007. This administrative correction changes the termination date from July 30, 2008 to June 30, 2008, as stated in the signed agreement. All other terms and conditions of the License remain the same and in full effect. (C1807043C01)

## Materials Management

### 39. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

#### Award

**07046-ROQ Capital Case Indigent Representation Attorney Services – OPDS (\$2,250,000 estimate/three years with three one-year renewal options)** Contract to provide Capital Case Indigent Representation Attorney Services as requested by the Office of Public Defense Services.

- Herman Alcantar Jr.
- Gary Beren
- Bruce E. Blumberg
- Sean Bruner
- Nathaniel Carr
- Rodrick S. Carter
- Randall Craig
- Gerald T. Gavin
- Richard D. Gierloff
- Rena P. Glitsos
- David Goldberg
- Joey Hamby
- Vikki M. Liles
- Tonya J. Peterson
- David Powell
- Daniel R. Raynak
- Michael S. Reeves
- John W. Rood II
- Robert L. Storrs

**07053-RFP Employee Long Term Care Insurance (N/A – Employee Funded)** Solicited by Buck Consulting on behalf of Maricopa County as permitted under their contract 05146-RFP. Employee Health Initiatives reviewed the responses and selected MetLife to negotiate a contract with. There is no use of public funds to purchase this product.

- Metropolitan Life Insurance Company

**07063-C Scuba and Skin Diving Equipment, Repair and Maintenance (\$300,000 estimate/three years with three one-year renewal options)** Price agreement for the purchase of scuba and skin diving equipment, repair and maintenance for the Sheriff's office.

- Ultimate Dive & Travel

**07065-RFP Modular Furniture Inventory Management and Storage (\$1,000,000 estimate/three years with three one-year renewal options)** Price agreement to provide modular furniture inventory management and storage of surplus as requested by Facilities Management.

- Goodmans Interior Structures



**Renewals/Extensions:**

**Approve the renewal/extension of the following contracts:** (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until October 31, 2010**

**04093-ROQ     Legislative Service Providers (\$1,000,000 estimate/three years)** Contract for legislative service providers for the County as required.

- Miller LaSota & Peters PLC
- Public Policy Partners
- Rory Hays, Attorney
- SRW Consulting

**Approve an increase in the price agreement amount for the following contract(s). This request is due to an increased usage by County departments.**

**04180-RFP     Public Relations Services (\$2,000,000 increase)** Increase contract value from \$5,600,000 to \$7,600,000. This \$2,000,000 increase is required to continue services for the County's "Bring Back Blue Campaign", and to cover additional services anticipated for Public Health and other departments during this fiscal year. This contract was awarded by the Board of Supervisors on January 19, 2005 and has an expiration date of January 31, 2008.

- Acs/Conaid, Inc.
- Angeles Marketing Group
- Barclay Communications, Inc.
- Godec Randall & Associates, Inc.
- Guerra Deberry Coody
- Katherine Christensen & Associates, Inc.
- Kristin Darr & Associates LLC
- Riester-Robb
- Topete-Stonefield, Inc.

**05127-C     Qualifying Bid, Medium/Heavy Duty Trucks, 19,600# & Up (\$1,500,000 increase)** Increase price agreement value from \$2,900,000 to \$4,400,000. This \$1,500,000 increase is being requested by the Equipment Services Department to purchase medium/heavy duty vehicles being replaced for the 07/08 fiscal year. The Board of Supervisors approved the initial price agreement on October 19, 2005 in the amount of \$2,900,000. This price agreement has an expiration date of October 31, 2008.

- Freightliner Sterling Western
- Don Sanderson Ford-Fleet
- Arizona Truck Center, Inc.
- Courtesy Chevrolet
- Five Star Ford-Fleet
- I-10 International Trucks
- Tom Jones Ford LLLP
- Midway Chevrolet
- Rush Truck Centers of AZ
- Thorobred Chevrolet

**05041-ROQ Specialty Legal Services Providers-County Attorney (\$15,000,000 increase)**

Increase contract value from \$29,900,000 to \$44,900,000. This \$15,000,000 increase is requested by Risk Management for specialty legal attorney services to carry them through contract expiration. The Board approved the original contract in the amount of \$8,400,000 on July 6, 2005, and subsequently approved increases of \$4,000,000 on April 19, 2006 and \$17,000,000 on September 6, 2006. In addition, the Materials Management Director approved an interim \$500,000 increase on August 17, 2006. Contract expiration date is July 31, 2008.

Bonnett Fairbourn Bryan Cave LLP Burch & Cracchiolo P.A. Calderon Law Offices Charles W. Whetstine PC Cople, Boehm & Murphy P.C. Dean M. Wolcott Fadell, Cheney & Burt PLLC Frazer, Ryan, Goldberg, Arnold Grant Woods PC Gray & Fassold PC	Green & Baker Greenberg Traurig LLP Gust Rosenfeld PLC Helm & Kyle Barbara Lee Caldwell PC Hopkins & Kreamer LLP Iafrate & Associates Irvine Law Firm PA Jardine, Baker, Hickman & Hous Jennings, Haug & Cunningham Jennings, Strouss & Salmon	Jones, Skelton & Hochuli PLC Jordan Bishoff McGuire & Hise Kenneth S. Countryman, PC Klein, Lundmark, Barberich Kutak Rock Law Offices of R. Strohm PC Lewis Brisbois Littler Mendelson Mariscal, Weeks Et Al Martin Hart & Fullerton PC Meagher & Geer
Miller LaSota & Peters PLC Moyes Storey LTD Meyer Hendricks & Bivens PA Olson, Jantsch & Bakker PA O. R. Colan Associates Paul F. Lazarus PC Quarles & Brady Ridenour, Hienton, Kelhoffer Ryan Rapp & Underwood PLC Ryley Carlock & Applewhite	Sacs Tierney Pa Squire, Sanders & Dempsey Swenson Storer Andrews Thomas, Thomas & Appel PC Wilenchik & Bartness PC Zwillinger & Georgelos PC Added 07/21/05 Cooper & Kirk, PLLC Harper Christian Dichter Graif Law Offices Of Douglas V. Fant Law Office Of Jerry A. Fries	Johnston Law Offices P.L.C. Jones Day William M. Lawson Jr. P.A. Julie M. Lemmon Ogletree Deakins P.C. Sanders & Park P.C. Snell & Wilmer L.L.P Williams & Associates Removed 6/22/06 (eff. 6/06/06) <del>Schleier, Jollison, &amp; Schleier</del> Added 4/19/07 Schmitt, Schneck, Smyth & Herrod

**05181-C Qualifying Bid, Sedans, Full Size Dodge Charger Police Vehicle (\$1,500,000 increase)**

Increase price agreement value from \$1,500,000 to \$3,000,000. This \$1,500,000 increase is being requested by the Equipment Services Department to purchase police vehicles being replaced for the FY 2007-08. The Board of Supervisors approved the initial price agreement on December 21, 2005 in the amount of \$500,000. Subsequently the Board approved an increase of \$1,000,000 on November 15, 2006. This price agreement has an expiration date of December 31, 2008.

- Ed Moses Dodge
- Avondale Auto Group
- Bill Luke Chrysler Jeep & Dodge
- Tempe Dodge

## **ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

### **Air Quality Department**

**40. APPLY AND ACCEPT U.S. ENVIRONMENTAL PROTECTION AGENCY CLEAN AIR ACT SECTION 105 GRANT FUNDING**

Authorize the Air Quality Department to re-apply for and accept from the U.S. Environmental Protection Agency (EPA) FY 2007-08 Clean Air Act Section 105 grant funding, in amount not-to-exceed \$1,121,989. This EPA grant supports the Maricopa County Air Quality Vacant Lot Program. The grant period is from October 1, 2007 to September 30, 2008.

The department's FY 2007-08 indirect cost rate of 17% will be applied for both fiscal years. The expenditure impact for FY 2007-08 is \$841,491 and FY 2008-09 is \$280,498. Indirect costs are estimated to be \$154,306 and are fully recoverable. Cash matching funds are not required. In-kind matching funds of 40% (\$448,796) and Maintenance of Effort are required. The matching funds will come from existing budgeted expenditures within the Air Quality Programs. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the board pursuant to A.R.S. §42-17105. (C8506007304)

### **Emergency Management**

**41. ACCEPT FEDERAL HOMELAND SECURITY GRANT**

Approve and accept an additional \$13,875 in 2006 Federal Homeland Security Grant Program 2006-GE-T6-0007 from the Arizona Department of Homeland Security. The grant period is July 1, 2006 to October 31, 2008. This is a reimbursable grant.

Pursuant to A.R.S. §42-17106 (B), approve an appropriation adjustment in the amount of \$13,875 for both revenue and expenditures to the Emergency Management Department (150) Emergency Management Fund (215) budget. The funds are being awarded to support the Citizen Corp Planner and the Maricopa County Citizen Corp Program. MCDEM's current indirect cost rate is 12.85% for FY 2007-08. Indirect costs of \$1,782.94 are unallowable and unrecoverable, and will be fully absorbed in the MCDEM budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. § 42-17105. (C1507012301)

**42. MARICOPA COUNTY EMERGENCY OPERATIONS PLAN**

Approve the Maricopa County Emergency Operations Plan dated September 2007. The plan provides the framework within which county government responds to major emergencies and disasters. It specifies the duties and responsibilities of the various county departments in a disaster situation, and it outlines the steps that must be taken to obtain assistance from the State and Federal governments if a disaster is beyond the capability of the County to handle with available resources. This plan replaces the Maricopa County Emergency Operations Plan dated August 27, 2003. There is no financial impact to the county as a result of this plan. (C1508005600) (ADM903)

## Transportation

### **43. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

### **44. CHANGE ORDER NO. 22 TO CONTRACT WITH HAYDON BUILDING CORP**

Approve Change Order No. 22 to Contract No. CY 2004-138 with Haydon Building Corp, in the amount of \$3,450 for Ellsworth Road from Germann Road to Ray Road – Phase 1, Project No. T068.

Also, approve the increase of change order approval authority for this project from \$1,000,000 to \$1,100,000 for the Public Works Director. This change order requires the application of a post-emergent herbicide (Banvel, Vanquish, Roundup, Gramoxone, or equal) to the gravel-mulch slopes of the channel (bid item 216.10000). A pre-emergent herbicide was applied during construction, which has controlled the germination of most weeds; however, two weed species "Desert Broom" and "Russian Thistle" require a post-emergent treatment. This is additional work not included in the specifications. The increased change order approval authority is requested to allow the Department to clean-up numerous charges before the close-out of this contract on April 19, 2008. Construction cost for this project is \$17,130,451.44 with approved change orders in the amount of \$1,025,732.84. (Supervisory District 1) (C6405180503)

### **45. ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET TO TIP**

Pursuant to A.R.S. §42-17106(B), approve the addition of the following project and corresponding expenditure budget to the FY 2007-08 Transportation Improvement Program (TIP), Department of Transportation (640), Transportation Capital Projects Fund (234), Year 1.

- Project T100, Ocotillo Road: EOM – Palo Verde Drive with a budget of \$300,500.

Also, approve an amendment to the current FY 2008-2012 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2007 by **decreasing** the FY 2007-08 (Year 1) capital budget for the following projects:

- Project T006, Unallocated Force Account capital budget by \$500.
- Project T002, Project Reserve Account capital budget by \$300,000

The requested adjustment results in a net budget impact of zero. (Supervisory District 4) (C6408022800)

### **46. OPERATION AND MAINTENANCE AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE AND INTERSECTION STRIPING**

Approve an Intergovernmental Agreement between the State of Arizona, acting through the Arizona Department of Transportation and Maricopa County, acting through the Maricopa County Department of Transportation for the Parties to enter into an Operation and Maintenance agreement for the traffic signal maintenance and intersection striping located at the Santan Freeway and Power Road traffic intersection (Supervisory Districts 1 and 2) (C6408026200)

**47. DECLARE EXCESS PROPERTY**

Approval to declare property located near 99th Avenue and Camelback Road, as excess property. Property will be sold at public auction in accordance with all statutory guidelines. The property has not been appraised at the present time.

Property description is as follows: The East 100 feet of the West 225 feet of the North 100 feet of the South 140 feet of the North half of the Northwest quarter of Section 21, Township North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (See attached map.) This parcel lies adjacent to Parcel 102-18-009N on the Assessor's Map. (Supervisory District 4) (C6408027M00) (ADM2005)

**48. TERMINATION AGREEMENT WITH DEL WEBB HOME CONSTRUCTION, INC**

Execute termination agreement with Del Webb Home Construction, Inc. for maintenance of the Bodine Channel. Maricopa County entered into an agreement with Del Webb Home Construction Inc. for the maintenance of what is commonly known as the Bodine Channel. Del Webb would be responsible for the maintenance of this channel until the following two conditions were met – a) any portion of the property immediately north and adjacent to the Bodine Channel (commonly known as the Bodine property) is approved by municipality, county, or other governmental agency having jurisdiction thereof for use other than agricultural use; and b) an alternate facility is approved by the County and constructed to function in lieu of the Bodine Channel.

Del Webb has requested termination of this agreement based on the following – the property is no longer in agricultural use, it has been subdivided to become the Corte Bella development, and secondly an alternate facility has been constructed (Corte Bella Golf Course) and is functioning as the replacement for the Bodine Channel. The recorded plats of the Corte Bella subdivision identify the golf course as a drainage easement and facility that will be maintained by a separate entity formed for that purpose. Technical review of this relinquishment was conducted by the Department of Transportation, Planning and Development, and the Flood Control District of Maricopa County for compliance with conditions a and b of said agreement. Agreement originally approved as Project Agreement 90021a as part of the Department of Transportation's easements and right-of-way documents for highway and public purposes agenda item on March 8, 1999. (Supervisory District 4) (C6408028000) (ADM2007-001)

**49. ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET**

Pursuant to A.R.S. §42-17106(B), approve the addition of the following project and corresponding expenditure budget to the FY 2007-08 Transportation Improvement Program (TIP), Department of Transportation (640), Transportation Capital Projects Fund (234), Year 1.

- Project T227, Meeker Blvd at Camino Del Sol with a budget of \$12,000.

Also, approve an amendment to the current FY 2008-2012 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2007 by **decreasing** the FY 2008 (Year 1) capital budget for the following projects:

- Project T002, Project Reserve Account capital budget by \$12,000

The requested adjustment results to a net budget impact of zero. (Supervisory District 4) (C6408029800) (ADM2000-003)

**50. BIDS AND AWARD FOR INTERSECTION IMPROVEMENTS AT CHANDLER HEIGHTS AND 124TH STREET**

Approve the solicitation of bids for the Intersection Improvements at Chandler Heights and 124th Street, MCDOT Project No. T156; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. (Supervisory District 1) (C6408030500)

**51. BIDS AND AWARD FOR ASPHALT-RUBBER OVERLAY PROJECT**

Approve the solicitation of bids for the Maricopa County Department of Transportation's Asphalt-Rubber Overlay Project (ADT > 4000), FY 2007-08, Work Order Number 30050041. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than 10%. (Supervisory Districts 2, 4, and 5) (C6408031100)

**52. REIMBURSEMENT TO UNION PACIFIC RAILROAD FOR UNION PACIFIC DESIGN, CONSTRUCTION AND RIGHT-OF-WAY COSTS**

Approve reimbursement to Union Pacific Railroad in the amount of \$718,115, covering Union Pacific design, construction and right-of-way costs associated with the Maricopa County Department of Transportation (MCDOT) project T087, Queen Creek Road, Arizona Avenue to McQueen Road. MCDOT acknowledges that Union Pacific has prior rights for these facilities. The cost may not exceed the estimated amount of \$718,115 by more than 10%.

Also, approve and execute Public Road Crossing Improvement Agreement.

Approve an amendment to the current FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), adopted by the Board on June 20, 2007 by **decreasing** the Year 1 (FY 2007-08) capital budget for the following projects:

- T002, Project Reserve Account capital budget by \$1,400,000.
- T006, Unallocated Force Account capital budget by \$50,000.

And, **increasing** the Year 1 (FY 2007-08) capital budget for the following project:

- T087, Queen Creek Road: Arizona Avenue to McQueen Road capital budget by \$1,450,000.

The requested adjustments result in a net budget impact of zero. (Supervisory District 1) (C6408035100) (ADM2000-006)

**53. ROAD FILE VACATE AND ABANDON**

- a. Adopt Resolution AB-188 to abandon a portion of 33rd Avenue in the vicinity of 33rd Avenue and Cloud Road, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Roadway Purposes on July 12, 1984 and recorded by the Maricopa County Recorder as record number 84-303777. (Supervisory District 3) (C6408023000)
- b. Adopt Resolution AB-200 to abandon a portion of Roy Rogers Road in the vicinity of Roy Rogers Road and 42nd Street, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Roadway Purposes on November 4, 1977 and recorded by the Maricopa County Recorder in Docket 12529, page 465. (Supervisory District 3) (C6408025000)

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**54. APPOINTMENT/REAPPOINTMENT**

- a. **Air Pollution Hearing Board** – Reappoint Jean McGrath, representing Supervisory District (4), whose term is effective from the date of Board approval through August 23, 2010. (C0608017900) (ADM2353-001)
- b. **Sports Commission Board of Directors** – Appoint Rob Yowell, representing Supervisory District (3), whose term is effective from the date of Board approval through September 4, 2011. (C0608019900) (ADM3240-001)

**55. APPOINTMENTS**

Pursuant to A.R.S. § 48-1012, approve the appointment of Frederick D. Sharp and Jean O'Shaughnessy to the **Mobile Gardens Domestic Water Improvement District Board of Directors**. Appointees will serve as interim directors effective immediately and until successors are elected and qualified. Both positions are next scheduled for election on the eighth Tuesday before the first Tuesday after the first Monday in November of 2008. (Supervisory District 4) (C0608024700)

**56. AMENDMENT TO THE TAX RATE-HARQUAHALA VALLEY IRRIGATION DISTRICT**

Approve an amendment to the "Maricopa County 2007 Tax Levy Packet" approved by the Board of Supervisors on August 20, 2007, under C4908009800. This amendment will correct the tax levy, acreage and tax rate for the Harquahala Valley Irrigation District listed in Schedule F, page 10.

The Harquahala Valley Irrigation District submitted an amended budget and changed the amount needed to be raised by taxation. The district acreage was also listed incorrectly in the original packet. Based on the amended budget, the tax levy packet will be amended as follow:

<b>District No.</b>	<b>District</b>	<b>2007 Property Tax Levy</b>	<b>2007 Acreage</b>	<b>2007 Tax Rate</b>
14750	Harquahala Valley Irrigation	434,072.83	34,371.23	12.6290

In addition, direct the County Treasurer to make corresponding changes in the affected tax bills. (C0608021700) (ADM1815)

**57. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)



## **SETTING OF HEARINGS**

~All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted~

### **Clerk of the Board**

#### **58. FRANCHISE**

- a. Pursuant to A.R.S. §40-283, set a public hearing for 9:00 a.m. on Monday, October 1, 2007, to solicit comments and consider the reapplication filed by Water Utility of Greater Tonopah, Inc. for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona by June 30, 2008, and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C6008022700) (F21283)
- b. Pursuant to A.R.S. §40-283, set a public hearing for 9:00 a.m. on Monday, October 1, 2007, to solicit comments and consider the reapplication filed by Hassayampa Utility Company, Inc. for a public service franchise for a domestic sewage system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona by June 30, 2008, and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (0608023700) (F23216)

### **Transportation**

#### **59. ROAD FILE DECLARATION**

Set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Monday, October 1, 2007.

**Road File No. A381-R.** In the vicinity of MC 85 (Buckeye Road) from 79th Avenue to 75th Avenue, and the South 282.62 feet of 79th Avenue. (Supervisory District 4) (C6408033000)

**Air Quality**

**60. MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

Set a public hearing, as required by A.R.S. §49-479(b), for 9:00 a.m., October 17, 2007, to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 322 (Power Plant Operations), Rule 323 (Fuel Burning Equipment From Industrial/Commercial/Institutional Sources), and Rule 324 (Stationary Internal Combustion Engines), and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 322, 323, and 324 and to submit the revised rules as a revision to the (Arizona) State Implementation Plan (SIP). This item was approved by the Board at its August 22, 2007 meeting. This item is being republished in the Agenda solely for purpose of including the time of the public hearing. (C8508003700) (ADM2354)

**CONSENT AGENDA**

**Clerk of the Board**

- 61. ASRS Claims** – Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001)
  
- 62. Annual Collections & Delinquency Report** – Pursuant to A.R.S. §42-18002, accept the Annual Collections and Delinquency Report submitted by the County Treasurer for FY 2006-07. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM4007)
  
- 63. Appointments** – Approve the Official Appointments of Blaine Gadow as Special Deputy County Attorney, David Ames as Deputy County Attorney and Frederick Beyer II as Advocate.
  
- 64. Canvass of Elections** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300)
  
- 65. Classification Changes** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723)
  
- 66. Duplicate Warrants** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809)

- 67. **Market Ranges** – Approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (List is on file in the Clerk of the Board's office and is retained in accordance with ASLAPR approved retention schedule.) (ADM3300-006)
- 68. **Precinct Committeemen** – Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701)
- 69. **Secured Tax Roll Corrections** – Approve requests from the Assessor for corrections of the Secured Tax Roll Resolutions. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM705)
- 70. **Settlement of Tax Cases** – Approve the settlement of tax cases dated September 5, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704)
- 71. **Stale Dated Warrants** – The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816)
- 72. **Tax Abatements** – Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM708)

## **FLOOD CONTROL DISTRICT AGENDA**

**FCD-1.** Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**FCD-2. AGREEMENT AMENDMENT TO FEDERAL COOPERATIVE AGREEMENT WITH U.S. DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION**

Approve Amendment No. 2 to FCD 2004G001B to Agreement FCD 2004G001A (Federal Cooperative Agreement #05FC320380) between the Flood Control District of Maricopa County (District) and the U.S. Department of Interior Bureau of Reclamation (Reclamation) which identifies the District's and Reclamation's roles and responsibilities for the El Rio Educational Research and Development Project. The modification reflects an increase of Reclamation's direct project contribution from \$167,326 to \$202,526 and extends the term of the agreement from September 30, 2007 to September 30, 2010. (C6905132302)

**FCD-3. CONTRACT FOR SIPHON DRAW DRAINAGE IMPROVEMENTS PROJECT**

Award Contract FCD 2007C012, Siphon Draw Drainage Improvements Project (#442) to Stanley Consultants Inc. The basic contract is for a lump sum of \$1,273,697.09, plus a not-to-exceed fee of \$81,862.88 for optional items. The optional items, which include additional geotechnical investigations, additional pre-design studies, and stockpile design, will only be implemented if needed and as authorized in writing by the Project Manager. The total contract amount, including the optional items, will not exceed \$1,355,559.97. The contract performance is 365 calendar days effective the date of the Notice to Proceed. (C6908011500)

**STADIUM DISTRICT AGENDA**

**SD-1. VIDEO BOARD AND CONTROL ROOM RENOVATIONS AT CHASE FIELD**

Authorize Bill Scalzo, Executive Director Representative, to execute a letter agreement with the Arizona Diamondbacks Major League Baseball Team and affiliated entities, providing that the Arizona Diamondbacks pay the remaining cost of construction to build the new video board, outdoor matrix board and control room. The Arizona Diamondbacks will provide the balance of the initial funding for the project above \$2,000,000, but not-to-exceed a total project cost of \$12,000,000 and will be reimbursed through annual Stadium District revenues over a period of ten years, beginning FY 2009.

Authorize the Public Notice legal advertisement and authorize the award of a Design-Build construction Contract for "Video Board and Control Room Renovations" at Chase Field, to the most qualified contractor. The total estimated cost for this project is not-to-exceed \$12,000,000. This is a sealed competitive bid selection procurement process to be conducted in accordance with the Maricopa County Stadium District Procurement Code, Article 5 Section MC1-504.E Design-Build and Article 5 Procurement Procedures Manual, Chapter III. The District's portion of the funding is available for this project from the Chase Field Facility Reserve Trust account (Fund 450).

Approve an appropriation adjustment increasing the FY 2007-08 Stadium District Department (680) Long Term Project Reserve Fund revenue (684-6840-0652-00) and expenditure (684-6840-0915-00) budgets in the amount of \$10,000,000 each to allow this project to be completed and ready for the 2008 baseball season opening day. (C6808002500)

## **CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

73. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605)
74. Supervisors'/County Manager's summary of current events. (ADM606)

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**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred.**

**New evidence is not considered at these hearings.**

## **CODE ENFORCEMENT REVIEW**

- PZ-1. Jose and Julia Serrano** – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-01957 and V2005-02049, Jose and Julia Serrano. This item was previously heard at the March 21, 2007 meeting, by a vote of 5-0 this case was continued to the May 16, 2007 meeting (and instructed staff to freeze accrued fines at \$7,290 pending continuance). This item was continued to the August 22, 2007 meeting. However, this item did not appear on the August 22, 2007 agenda, and therefore is being considered at the September 5, 2007 meeting. (Supervisory District 4) (ADM3417-045)

**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\***

## **PLANNING AND ZONING AGENDA**

### **CONSENT AGENDA:** **(Detailed below)**

1. Z2006-019, Special Use Permit (SUP) for in the IND-1 zoning district, Airport Zones 1 & 2 overlay zoning districts, and in the High Noise and Accident Potential zone of Luke Air Force Base, located west of Dysart Road and north of Butler Drive alignment (in the west Glendale/EI Mirage area) (District 4)
2. Z2007-024, Modification of Stipulations to an approved Special Use Permit (SUP) in the Rural-43 zoning district, located at the northeast corner of Val Vista Drive and Hunt Highway (in the south Chandler/Gilbert area) (District 1)
3. S2006-069, Replat in the Rural-43 RUPD zoning district, located south of Olive Avenue and west of Perryville Road (in the west Glendale area) (District 4)

### **REGULAR AGENDA:** **(Detailed below)**

4. TA2007-015, Text Amendment to the Local Additions and Addenda to allow for adjusted fees and to adopt new building codes, adopt 2006 International Building Code; 2006 International Residential Code; 2006 International Mechanical Code; and the 2005 National Electrical Code, all as amended. (All Districts)
5. Z2005-119, Special Use Permit (SUP) in the Rural-43 zoning district, Wireless Communication Facility Use District 1, located west of Lindsay Road and north of Germann Road (in the Gilbert area) (District 1)

6. Z2006-092, Special Use Permit (SUP) in the Rrual-43 zoning district, Wireless Communication Facility Use District 1, located east of Avondale Boulevard and south of Southern Avenue (in the Avondale area) (District 5)

**CONSENT AGENDA DETAIL:**

1. **Z2006-019** District 4

Applicant: Brooks Engineers & Surveyors for The Wall Company Properties  
Location: West of Dysart Road and north of the Butler Drive alignment (in the west Glendale/El Mirage area)  
Request: Special Use Permit (SUP) for a construction yard in the IND-1 zoning district, Airport Zones 1 & 2 overlay zoning districts, and located in the High Noise and Accident Potential zone of Luke Air Force Base (approximately 2.0 acres) – The Wall Company Construction Yard

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2006-019, subject to stipulations “a” through “m”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Construction Yard Site Plan”, consisting of two (2) sheets, dated June 2007 and stamped received July 9, 2007 except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Construction Yard for the Wall Company”, consisting of three (3) pages, dated June 5, 2007, and stamped received July 9, 2007, except as modified by the following stipulations.
- c. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- d. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- e. The driveways shall be paved from property line to edge of pavement.
- f. In absence of public right-of-way and access improved to minimum county standards, Maricopa County (MCDOT) is not liable or responsible for operation and maintenance of access to this site.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area and shall present a copy of their signed Rural/Metro Fire Department contract substantiating coverage of the site.
- h. The following note shall be placed on the site plan: This property is in the ‘vicinity of a military airport’ as described by State of Arizona statute ARS. §28-8481. Construction should include sound attenuation measures as directed by State law. The property will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft



transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

2. **Z2007-024** District 1

Applicant: Beus Gilbert, PLLC for Tierra De Sueno, Inc.  
Location: Northeast corner of Val Vista Drive & Hunt Highway (in the South Chandler/Gilbert area)  
Request: Modification of Stipulations to an approved Special Use Permit (SUP) for a Public Riding and Boarding Facility and Feed Store in the Rural-43 zoning district (approximately 24.8 acres) – Tierra de Sueno

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2007-024, subject to stipulations "a" through "t". Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Special Use Permit for Tierra De Sueno Inc. Horse Facility and Feed Store", consisting of four (4) sheets, dated

revised April 18, 2007, and stamped received May 15, 2007, except as modified by the following stipulations.

- b. Development of the site shall be in conformance with the narrative report entitled "Tierra De Sueno 'Tierra Farms' Feed Store and Boarding Stables Special Use Permit", consisting of twelve (12) pages, stamped received May 15, 2007, except as modified by the following stipulations.
- c. No development shall occur within the retention area along Val Vista Drive shown on the applicant's site plan referred in stipulation "a" above, for the life of the Special Use Permit.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all future roof-mounted equipment.
- f. All future transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All future HVAC units shall be ground-mounted.
- g. Dedication of additional right(s)-of-way to bring the total half-width dedication to 55' for Val Vista Dr. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- m. The applicant shall submit a written report outlining the status of the development annually from the date of approval by the Board of Supervisors every year of the anniversary date of approval. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- n. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning

and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
  - p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
  - q. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers of type acceptable to the Maricopa County Environmental Services Department (MCESD). Within 30-days of approval by the Board of Supervisors, the applicant shall submit evidence that containers have been provided for adequate storage of one (1) week's accumulation of manure. All manure shall be removed from the site at least once per week.
  - r. The number of commercially boarded horses on the property shall be limited to 160 horses at any one time.
  - s. Loud speakers or amplified sound is prohibited.
  - t. No special events shall be held on site without approval of a Temporary Use Permit through the Planning and Development Department.
3.     **S2006-069**     District 4
- Applicant:     Dennis Stewart  
Location:     South of Olive Avenue, west of Perryville Road (in the west Glendale area)  
Request:     Replat in the Rural-43 RUPD zoning district for Lot 78 of Sonoran Ridge Estates (approximately 0.66 net acres)

**REGULAR AGENDA DETAIL:**

4.     **TA2007-015**     All Districts
- Applicant:     Commission Initiative  
Location:     County-wide  
Request:     Text Amendment to the Local Additions and Addenda to allow for adjusted fees and to adopt new building codes, adopt 2006 International Building Code; 2006 International Residential Code; 2006 International Mechanical Code; and the 2005 National Electrical Code, all as amended

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of TA2007-015. Commissioner Johnson seconded the motion, which passed with a unanimous vote of 8-0.

5.      **Z2005-119**      District 1

Applicant:      T-Mobile for Arizona Self Storage at Lindsay Road, LLC  
Location:      West of Lindsay Road and north of Germann Road (in the Gilbert area)  
Request:      Special Use Permit (SUP) for Wireless Communication Facility [70' (h) monopalm] in the Rural-43 zoning district, Wireless Communication Facility Use District 1 (approximately 0.011 acres) – Lindsay Mini-Storage

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2005-119, subject to stipulations “a” through “v”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a.      Development and use of the site shall comply with the site plan entitled “T-Mobile - Lindsay Mini-storage”, consisting of five (5) full size sheets, dated revised June 20, 2007, and stamped received June 26, 2007, except as modified by the following stipulations. Within thirty (30) days of approval by the Board of Supervisors (BOS), the applicant shall submit a revised site plan with the bubble detail removed from the plan.
- b.      Development and use of the site shall comply with the narrative report entitled “T-Mobile Project Narrative for a Special Use Permit – Lindsay Mini Storage”, consisting of four (4) pages, dated June 1, 2007 and stamped received June 13, 2007, except as modified by the following stipulations.
- c.      Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- d.      Prior to any development or construction, a signed lease agreement for the access easement to the site shall be provided to the Maricopa County Department of Transportation (MCDOT) and Maricopa County Planning and Development Department.
- e.      Prior to any development or construction, a Floodplain Use Permit shall be obtained from the Regulatory Division of the Flood Control District (FCD) of Maricopa County.
- f.      All structures and related equipment shall be screened and designed to blend in with the surrounding environment.
- g.      All panel antennae and related hardware and cables that are mounted on the structure shall be painted to match that of the Wireless Communication Facility or camouflaged to reduce visual impacts.
- h.      The height of the wireless communication facility shall be limited to 70' to the top of the fronds.
- i.      All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- j.      Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- l. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- m. Concurrent with the submittal of building permits, the applicant shall submit a copy of final development plans to the Intermodal Transportation Division at Arizona Department of Transportation (ADOT) for review.
- n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- o. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- p. A Major Amendment shall be required to co-locate future carriers on the monopole.
- q. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements associated with the use including the monopole, shall be removed within 60 days of such termination or expiration.
- r. The applicants shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Should staff deem that the stipulations of approval have not been met staff may forward the Status Report to the Commission for further review and possible action.
- s. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- t. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- u. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- v. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

6. **Z2006-092** District 5

Applicant: T-Mobile and Sprint for Louis Michelena  
Location: East of Avondale Boulevard and south of Southern Ave. (in the Avondale area)  
Request: Special Use Permit (SUP) for a Wireless Communication Facility [80' (h) monopole] in the Rural-43 zoning district, Wireless Communication Facility Use District 1 (approximately 0.006 acres) – PIR Michelena

**COMMISSION ACTION:** Commissioner Johnson moved to recommend approval of Z2006-092, subject to stipulations “a” through “t”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled “PIR Michelena Wireless Communication Facility-Special Use Permit Z2006092”, consisting of seven (7) full-size sheets, dated revised June 29, 2007 and stamped received July 6, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “PIR Michelena” consisting of four (4) pages, dated revised February 21, 2007, and stamped received July 6, 2007, except as modified by the following stipulations.
- c. The maximum height of the Wireless Communication Facility shall be limited to 80' (h) including all antennas and attachments.
- d. The proposed 15'-6" CMU wall shall be constructed with decorative split faced block that is painted with a color that blends with the surrounding environment.
- e. Prior to any construction or development, a Floodplain Use Permit and variance shall be obtained from the Regulatory Division of the Flood Control District of Maricopa County.
- f. Prior to development of construction, a signed lease agreement for access to the site shall be provided to Maricopa County Department of Transportation and Maricopa County Planning and Development.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- l. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- m. Concurrent with the submittal of building permits, the applicant shall submit a copy of final development plans to the Intermodal Transportation Division at Arizona Department of Transportation (ADOT) for review.
- n. A Minor Amendment shall be required to co-locate future carriers on the monopole.
- o. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- p. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- q. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.